

# Provincial Officers Report

To: 1125906 Ontario Inc.  
24 Bow Valley Dr  
Hamilton, Ontario, L8E 3L4  
Canada

And To: Harbhajan Singh Tamber  
24 Bow Valley Dr  
Hamilton, Ontario, L8E 3L4  
Canada

And To: Wim Van Ravenswaay  
126 Regional Road 56  
Haldimand, Ontario, N0A 1C7  
Canada

And To: Robert Labatt  
115 Howden Road  
Scarborough, Ontario, M1R 3C7  
Canada

And To: Currie Products Limited, Ontario Corporation 34164  
350 Wentworth Street North  
Hamilton, Ontario, L8L 5W3  
Canada

And To: John McGill Currie  
3294 Lakeland Crescent  
Burlington, Ontario, L7N 1B8  
Canada

And To: 815244 Ontario Inc.  
350 Wentworth Street North  
Hamilton, Ontario, L8L 5W3  
Canada

And To: Donald Rickerd  
1 Dunbar Road  
Toronto, Ontario, M4W 2X5  
Canada

And To: Donald C. Early  
561 Avenue Road, Suite 806  
Toronto, Ontario, M4V 2J8  
Canada

## Provincial Officers Report

And To: Donald C. Early  
400 Walmer Road, East Tower, Suite 1523  
Toronto, Ontario, M5T 2X7  
Canada

And To: 1352473 Ontario Inc.  
5161 Heritage Hills Blvd  
Brampton, Ontario, L5R 2E5  
Canada

And To: 1352473 Ontario Inc.  
10 Rosegarden Dr  
Brampton, Ontario, L6P 0E6  
Canada

And To: Sukhinder Singh Sandhu  
10 Rosegarden Dr  
Brampton, Ontario, L6P 0E6  
Canada

And To: 1350684 Ontario Inc.  
10 Rosegarden Dr  
Brampton, Ontario, L6P 0E6  
Canada

And To: 1350684 Ontario Inc.  
19 Royal Palm Dr  
Brampton, Ontario, L6Z 1P1  
Canada

And To: Joginder Pal Malhi  
19 Royal Palm Dr  
Brampton, Ontario, L6Z 1P1  
Canada

And To: Greg Hart  
6254 Skyway Rd Smithville  
Lincoln, Ontario, L0R 2A0  
Canada

And To: Imco Technologies Inc.  
350 Wentworth St N  
Hamilton, Ontario, L8L 5W3  
Canada

# Provincial Officers Report

And To: 836724 Ontario Limited  
350 Wentworth Street North  
Hamilton, Ontario, L8L 5W3  
Canada

And To: Imco Technologies Inc.  
6254 Skyway Rd Smithville  
Lincoln, Ontario, L0R 2A0  
Canada

## Site

350 Wentworth Street North  
Hamilton, Ontario

## Observations

- A report was made by Mr. Wim Van Ravenswaay to Geoff Knapper, District Manager and John Beals, District Supervisor that drums of unknown composition waste materials were discovered behind a concrete block wall in the basement area of 350 Wentworth Street North.
- The waste materials located at this site are considered to be hazardous.
- The property is subject to ongoing entry by unauthorized personnel and appears to be vandalized regularly.
- Residential dwellings, a school, municipal facilities and a fire hall are in close proximity to the site and, as such, the discharge of a contaminant from 350 Wentworth Street North, Hamilton may result in an adverse effect.
- All the materials stored on the site are waste and the site is not approved to store waste.
- The continued storage of waste at this unsecured and unapproved waste site is not in the public interest.
- The persons named in this report and order currently own or owned or have or had management or control of an undertaking or property located at 350 Wentworth Street North, Hamilton.

## Recommendation

Issue a Director's Order under Section 18 and 43 of the Environmental Protection Act to the current owner(s) of the site and the previous owners/operators of the site, including directors:


- to secure the site,
- classify all waste located at the site,
- remove all waste from the site,

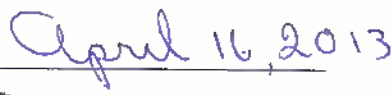
## Provincial Officers Report

- investigate, assess and provide a workplan to remediate and decontaminate all portions of the buildings/structures impacted by the unauthorized storage of waste,
- provide all necessary documentation to the Ministry of the Environment that the work ordered has been completed.

I am of opinion, on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,

- (a) to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or property; or
- (b) to prevent, decrease or eliminate an adverse effect that may result from,
  - (i) the discharge of a contaminant from the undertaking, or
  - (ii) the presence or discharge of a contaminant in, on or under the property.

  
\_\_\_\_\_  
Joseph Lesko  
Provincial Officer #858  
Ministry of the Environment  
Hamilton District Office

  
\_\_\_\_\_  
Date

## Director's Order

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## PART 1: LEGAL AUTHORITY AND REASONS

- 1.1 Pursuant to subsection 1(1) of the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended (*EPA*), a contaminant means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect.

Further, pursuant to subsection 1(1) of the *EPA*, adverse effect means one or more of the following:

- (i) impairment of the quality of the natural environment for any use that can be made of it;
- (ii) injury or damage to property or to plant or animal life;
- (iii) harm or material discomfort to any person;
- (iv) an adverse effect on the health of any person;
- (v) impairment of the safety of any person;
- (vi) rendering any property or plant or animal life unfit for human use;
- (vii) loss of enjoyment or normal use of property; and
- (viii) interference with the normal conduct of business.

- 1.2 Subsection 18(1) of the *EPA* provides that the Director may, by written order, require a person who owns or owned or who has or had management or control of an undertaking or property to do any one or more of the following:
- 1. To have available at all times, or during such periods of time as are specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order;
  - 2. To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order;
  - 3. To implement procedures specified in the order;
  - 4. To take all steps necessary so the procedures specified in the order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property;
  - 5. To monitor and record the presence or discharge of a contaminant specified in the order and to report thereon to the Director;
  - 6. To study and to report to the Director on,
    - i. the presence or discharge of a contaminant specified in the order;
    - ii. the effects of the presence or discharge of a contaminant specified in the



# Director's Order

- order;
  - iii. measures to control the presence or discharge of a contaminant specified in the order; and,
  - iv. the natural environment into which a contaminant specified in the order may be discharged.
7. To develop and implement plans to,
- i. reduce the amount of a contaminant that is discharged into the natural environment;
  - ii. prevent or reduce the risk of a spill of a pollutant within the meaning of Part X; or
  - iii. prevent, decrease or eliminate any adverse effects that result or may result from a spill of a pollutant within the meaning of Part X or from any other discharge of a contaminant into the natural environment, including,
    - a. plans to notify the Ministry, other public authorities and members of the public who may be affected by a discharge; and
    - b. plans to ensure that appropriate equipment, material and personnel are available to respond to a discharge.
8. To amend a plan developed under paragraph 7 or section 91.1 in the manner specified in the order.
- 1.3 Subsection 18(2) of the *EPA* states that the Director may make an order under this section if the Director is of the opinion, on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,
- i to prevent or reduce the risk of a discharge of a contaminant into the natural environment;
  - ii from the undertaking or property; or
  - iii to prevent, decrease or eliminate an adverse effect that may result from,
    - a. the discharge of a contaminant from the undertaking; or
    - b. the presence or discharge of a contaminant in, on or under the property.
- 1.4 Section 43 of the *EPA* states that where waste has been deposited upon, in, into or through any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may issue an order to remove the waste and to restore the site to a condition satisfactory to the Director to,
- (a) an owner or previous owner or a person who otherwise has or had charge and control of the land or building or waste;
  - (b) an occupant or previous occupant of the land or building; or
  - (c) a person that the Director reasonably believes engaged in an activity prohibited by section 40 or 41 that resulted in the deposit of the waste. 1998, c. 35, s. 6.
- 1.5 This order is issued to the parties named for the reasons set out in the attached Provincial Officer's Report dated April 12, 2013.
- 1.6 The following are observations found in the report of Provincial Officer Joseph Lesko dated April 12, 2013 (a copy of which is attached) with respect to the property located at



# Director's Order

350 Wentworth Street North, in the City of Hamilton (hereinafter "site" and/or "property"):

- A report was made by Mr. Wim Van Ravenswaay to Geoff Knapper, District Manager and John Beals, District Supervisor that drums of unknown composition waste materials were discovered behind a concrete block wall in the basement area of 350 Wentworth Street North.
- The waste materials located at this site are considered to be hazardous.
- The property is subject to ongoing entry by unauthorized personnel and appears to be vandalized regularly.
- Residential dwellings, a school, municipal facilities and a fire hall are in close proximity to the site and, as such, the discharge of a contaminant from 350 Wentworth Street North, Hamilton may result in an adverse effect.
- All the materials stored on the site are waste and the site is not approved to store waste.
- The continued storage of waste at this unsecured and unapproved waste site is not in the public interest.
- The persons named in this report and order currently own or owned or have or had management or control of an undertaking or property located at 350 Wentworth Street North, Hamilton.

I am of opinion, on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,

- (a) to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or property; or
- (b) to prevent, decrease or eliminate an adverse effect that may result from,
  - (i) the discharge of a contaminant from the undertaking, or
  - (ii) the presence or discharge of a contaminant in, on or under the property.

For the reasons described in the attached Provincial Officers Report, under the *EPA*, Sections 18(1) and 43, I order you jointly and severally to do the following:

## **PART 2: WORK ORDERED**

### **Item No. 1**

By April 26 2013, secure the entire property to prevent unauthorized access, including but not limited to repairing the perimeter fence, closing and locking gates and installing locks and securing the doors and windows on the all the buildings on the site.

### **Item No. 2**

By April 27, 2013, confirm by means of photographs and provide written confirmation to the undersigned Director that the work required in Work Ordered Item No. 1 has been completed.

# Director's Order

## Item No. 3

By April 26, 2013, retain the services of a qualified professional to assess and examine the structure of the buildings located at 350 Wentworth Street North to determine the presence of any waste materials that may be secreted between walls, footings, foundation, loading ramps and any other structure(s) at the site using accepted techniques to identify buried underground structures, including, but not limited to underground storage tanks, drains, sewers, vaults, cisterns, and utility services and also including but not limited to all above and below ground storage tanks, trailers, drums, pails, containers, sumps, intermediate bulk carrier containers, cylinders, sewers and drains located on the property.

## Item No. 4

By April 27, 2013, provide in writing to the undersigned Director the name, address, e-mail address, phone/facsimile numbers, affiliation and qualifications of the qualified waste management professional required by Item 3 above.

## Item No. 5

By May 17, 2013, have the qualified professional implement the work required by Item No. 3 and provide a written report, including photographs, architectural and/or engineering drawings, surveys and physical measurements to the undersigned Director, detailing the findings of the work completed as required by Work Ordered Item No. 3.

## Item No. 6

By May 17, 2013, retain the services of a qualified waste management professional to assess and classify all wastes currently located on the site from secreted areas and any other area(s) found, including but not limited to all above and below ground storage tanks, trailers, drums, pails, containers, sumps, intermediate bulk carrier containers, cylinders, sewers and drains located on the property.

## Item No. 7

By May 18, 2013, provide in writing to the undersigned Director the name, address, e-mail address, phone/facsimile numbers, affiliation and qualifications of the qualified waste management professional required by Item 6 above.

## Item No. 8

By May 24, 2013, have the waste management professional assess, sample and properly classify all wastes found as a result of the Work Ordered Item No. 3 in accordance with the EPA, O. Reg. 347/90 and the "Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste", December 2009 (PIBS 7398c), as amended.

# Director's Order

## Item No. 9

By May 31, 2013, have the waste management professional dispose of all waste located on the property in accordance with the *EPA*, and O. Reg. 347/90 and the "Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste", December 2009 (PIBS 7398e), as amended.

## Item No. 10

By June 1, 2013, have the waste management professional provide a written report to the undersigned Director at the address below confirming the removal of the waste which shall include the following:

- Details of the amount of waste removed from the property;
- The name of the waste hauler and Certificate of Approval number used to transport the waste;
- The waste disposal site receiving the waste, including Certificate of Approval number and address where the waste was lawfully disposed, recycled or otherwise processed in accordance with the *EPA* and O. Reg. 347/90, as amended; and
- Copies of all supporting documentation for each type of waste removed (Generator Registration Reports, receipts, manifests, waybills, bills of lading, analytical data from waste characterization, material safety data sheets and other such confirmation of completed transactions) relevant to the removal of the waste.

## Item No. 11

By June 7, 2013, retain the services of a qualified professional to assess, document and provide building remediation and decontamination services, including a work plan to implement such services, to remove all traces of contamination on all surfaces interior and exterior to the building(s) and structures resulting from the unauthorized storage of waste materials.

Structures shall be defined to include, but not be limited to secreted areas between walls, attics, crawl spaces, above and below ground storage tanks, trailers, drums, pails, containers, sumps, intermediate bulk carrier containers, cylinders, sewers and drains located on the property.

## Item No. 12

By June 21, 2013, provide in writing to the undersigned Director the name, address, e-mail address, phone/facsimile numbers, affiliation and qualifications of the qualified waste management professional required by Item 11 above.

# Director's Order

## Item No. 13

By July 5, 2013, submit to the undersigned Director a copy of the assessment of the nature, degree and extent of remediation and decontamination required, and the work plan prepared by the qualified professional retained to perform the work in Work Ordered Item No. 11.

## Item No. 14

By July 12, 2013, the parties named in this Directors Order shall begin remediation and decontamination of the building according to the assessment and work plan prepared by the qualified professional as detailed in Work Ordered Item No. 13.

## Item No. 15

The parties named in this order will submit written documentation to the undersigned Director as to the date of the completion of the work identified in Work Ordered Item 11.

## Item No. 16

The parties named in this Directors Order shall have the qualified professional prepare and deliver a written report to the undersigned Director within 14 days of completion of the work ordered in Work Ordered Item 11 detailing the work undertaken to decontaminate and remediate the building, including such documentation as necessary to determine the completion of the work according to accepted standards.

## Item No. 17

1125906 Ontario Inc., Harbhajan Singh Tamber and Wim Van Ravenswaay shall grant access to the parties named in this order and to any persons retained by the parties named in this Order for the sole purpose of carrying out the requirements of this Order and not for any other purpose.

Such access shall include the following:

- (a) the granting of access to any persons retained by the parties for the purposes of classification of the on site waste and any spilled wastes;
- (b) the granting of access to certified waste haulers and agents of certified haulers for the purposes of removal of the on-site wastes and any spilled wastes;
- (c) the granting of access to the qualified professional and any parties retained by the qualified person described in Work Ordered Item 3 to complete the requirements of this Director's Order;
- (d) the granting of access to the qualified professional and any parties retained by the qualified person described in Work Ordered Item 6 to complete the requirements of this Director's Order;
- (e) the granting of access to the qualified professional and any parties retained by the qualified person described in Work Ordered Item 11 to complete the requirements of this Director's Order;



# Director's Order

## Item No. 18

Notwithstanding any other requirements of this Order, you shall not remove any waste from the property unless and until you have received written confirmation from the undersigned Director confirming that the qualifications of the waste management professional referred to in Item No. 6 and the qualifications of the qualified professional referred to in Item No. 3 and 11 are acceptable to the undersigned Director.

### **PART 3 GENERAL**

- 3.1 The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstances is held invalid, the application of such requirement to other circumstances and the remainder of the order shall not be affected thereby.
- 3.2 Any request to change a requirement in this order shall be made in writing to the Director with reasons for the request, at least 14 days prior to any compliance date for that requirement.
- 3.3 The requirements of this order are minimum requirements only and do not relieve you from:
  - complying with any other applicable order, statute, regulation, municipal, provincial or federal law; and
  - obtaining any approvals or consents not specified in this order.
- 3.4 Failure to comply with a term of this order by the date specified does not absolve you from compliance with that requirement. The obligation to complete the requirement shall continue each day thereafter.
- 3.5 Notwithstanding the issuance of this order, further orders may be issued in accordance with the legislation as circumstances require.
- 3.6 Subsection 19(1) of the *EPA* provides that an order of the Director is binding upon the successor or assignee of the person to whom it is directed.
- 3.7 Subsection 186(2) of the *EPA* provides that non-compliance with the requirements of this order constitutes an offence.

### **PART 4 HEARING BEFORE THE ENVIRONMENTAL REVIEW TRIBUNAL**

- 4.1 Under section 140 of the *EPA*, you may require a hearing before the Environmental Review Tribunal, if, within fifteen days after service upon you of this order, you serve written notice upon the Environmental Review Tribunal and the Director.

## Director's Order

4.2 Section 142 of the *EPA* provides that the notice requiring the hearing must include a statement of the portions of the order for which the hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing.

4.3 Written notice requiring a hearing shall be served personally or by mail on the following:

The Secretary  
Environmental Review Tribunal  
655 Bay Street  
15<sup>th</sup> Floor  
TORONTO, Ontario  
M5G 1E5

and

Director  
Ministry of the Environment  
119 King Street West  
9<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y7

Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Unless stayed by application to the Environmental Review Tribunal under Section 143 of the *EPA*, this order is effective from the date of issue.

4.4 If you commence an appeal before the Environmental Review Tribunal, under section 47 of the Environmental Bill of Rights (EBR), you must give notice to the public in the EBR registry. The notice must include a brief description of this order (sufficient to identify it) and a brief description of the grounds of appeal. The notice must be delivered to the Environmental Commissioner who will place it on the EBR registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario M5S 2B1 by the earlier of:

4.4.1 2 days of commencing the appeal before the Tribunal; and

4.4.2 15 days after service of this order.

4.5 Pursuant to subsection 47(7) of the EBR, the Environmental Review Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair

## Director's Order

and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

- 4.6 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in this order may seek leave to appeal the order. Under section 40 of the EBR, the application for leave to appeal must be made to the Environmental Review Tribunal by the earlier of:

4.6.1 15 days after notice of this order is given in the EBR registry; and

4.6.2 if you appeal, 15 days after your notice of appeal is placed in the EBR registry by the Environmental Commissioner.

To ascertain whether or not an application for leave to appeal this order has been made by any person, you may wish to periodically check the EBR registry up to a few business days after the period mentioned in paragraphs 4.6.1 and 4.6.2 above. Information about how to access the EBR registry is available from your local library or by calling the Ministry of the Environment at 1-800-565-4923.

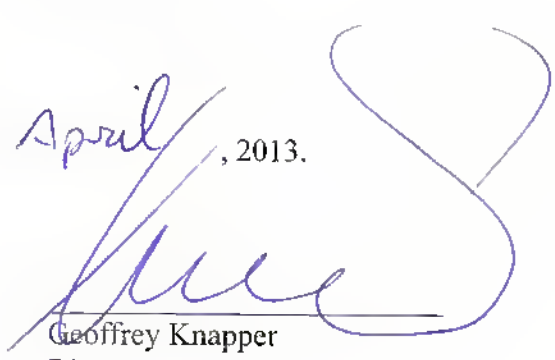
- 4.7 Pursuant to subsection 47(7) of the EBR, the Environmental Review Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.



## Director's Order

ISSUED at Hamilton, this

16<sup>th</sup> day of April, 2013.



Geoffrey Knapper  
Director,  
*Environmental Protection Act*